

Attorney Docket No. GRAY-033/00US

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of Teresa S. HEALY, et al.

Serial No.: 10/638,554

Examiner: Katherine M. Moran

Confirmation No.: 5392

Art Unit: 3765

Filed: August 12, 2003

For: **EAR WARMER HAVING A MEMBRANE FORMING A  
RECEPTACLE**

U.S. Patent and Trademark Office  
Customer Service Window, **Mail Stop Amendment**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**INFORMATION DISCLOSURE STATEMENT TRANSMITTAL**

Enclosed is an Information Disclosure Statement and accompanying Form PTO/SB/08A for the above-identified patent application.

- ☐ In accordance with 37 C.F.R. §1.97(b), no additional fee for submission of the IDS is required.
- ☒ In accordance with 37 C.F.R. §1.97(c), also enclosed is:
  - ☒ the fee of \$180.00 as set forth in 37 C.F.R. §1.17(p); or
  - ☐ a statement as specified in 37 C.F.R. §1.97(e).
- ☐ In accordance with 37 C.F.R. §1.97(d), a statement as specified in 37 C.F.R. §1.97(e) and the fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) are also enclosed.
- ☒ Check No. 13277 in the amount of \$180.00 for the total fee is attached.
- ☐ A return receipt postcard is also enclosed.
- ☐ Please charge \$\_\_\_ to Deposit Account No. 50-1283 for the total fee. This paper is being submitted in duplicate.

11/15/2005 JADD01 00000117 10638554

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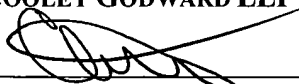
The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

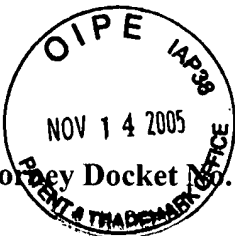
Dated: November 14, 2005

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Respectfully submitted,  
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By:

  
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Attorney Docket No. GRAY033/00US

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**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §1.97(c)**

In accordance with the duty of disclosure set forth in 37 C.F.R. §1.56, Applicant(s) hereby submits the following information in conformance with 37 C.F.R. §§1.97 and 1.98.

- ☒ Pursuant to 37 C.F.R. §1.98, a copy of each foreign and non-patent document cited in the attached Form PTO/SB/08 is enclosed.
- ☐ No copies of the publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. \_\_\_ to which the above-identified application claims priority under 35 U.S.C. §120.
- ☒ No copies of any U.S. patents or U.S. patent application publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98.
- ☐ Publication(s) \_\_\_ listed on the attached Form PTO/SB/08A were cited in a foreign search or examination report corresponding to \_\_\_ application serial no. and mailed on \_\_\_.
- ☐ Enclosed is a copy of a non-English publication(s) \_\_\_. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).
- ☐ Enclosed is a copy of a non-English publication(s) \_\_\_. English language publication \_\_\_ (copy enclosed) claims priority from this non-English publication.
- ☐ Enclosed is an explanation of non-English publication(s) \_\_\_ for which an English translation is not available.

- ☒ Enclosed are English translation of the following non-English publication(s) cited in the attached Form PTO/SB/08A: KR Utility Model Reg. 20-0226271; KR Utility Model Reg. 20-0314976 and KR Design Reg. 30-0336877.
- ☐ Enclosed is a copy of pending patent Application Serial No. \_\_\_\_.

This Information Disclosure Statement is filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing of:

- ☒ a final action under 37 C.F.R. §1.113;
- ☐ a notice of allowance under 37 C.F.R. §1.311; or
- ☐ an action that otherwise closes prosecution in this application.

In accordance with 37 C.F.R. §1.97(c) also enclosed is:

- ☒ Fee under 37 C.F.R. §1.17(p) in the amount of \$180.00; or
- ☐ Statement as specified in 37 C.F.R. §1.97(e):
- ☐ Each item of information contained in the Information Disclosure Statement cited herein was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
- ☐ No item of information contained in the Information Disclosure Statement submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, having made a reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing date of the Information Disclosure Statement.

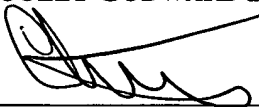
It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form PTO/SB/08A to the undersigned.

Dated: November 14, 2005

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Respectfully submitted,  
**COOLEY GODWARD LLP**

By:

  
\_\_\_\_\_  
Christopher R. Hutter  
Reg. No. 41,087



Please type a plus sign (+) inside this box →

+

PTO/SB/08A (08-00)

Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)				<b>Complete if Known</b>		
				Application Number	10/638,554	
Sheet		1	of	1	Filing Date	August 12, 2003
					First Named Inventor	Teresa S. HEALY
					Group Art Unit	3765
					Examiner Name	MORAN, Katherine M.
					Attorney Docket Number	GRAY033/00US

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code <sup>2</sup> (if known)		
	A1	139,831		Stone	06-10-1873
	A2	188,292		Greenwood	03-13-1877
	A3	2,437,049		Salisbury et al.	03-02-1948
	A4	4,455,457		Akira	06-19-1984
	A5	4,499,593		Antle	02-12-1985
	A6	5,793,878		Chang	08-11-1998
	A7	6,377,697	B1	Cheng	04-23-2002
	A8	2004/0005071	A1	Siskin et al.	01-08-2004
	A9	2004/0187192	A1	Isom et al.	09-30-2004
	A10	2005/0036643	A1	Le Gette et al.	02-17-2005
	A11	2005/0034216	A1	Le Gette et al.	02-17-2005
	A12	2005/0034218	A1	Le Gette et al.	02-17-2005
	A13	2005/0241047	A1	Bavetta et al.	11-03-2005
	A14	2005/0246815	A1	Le Gette et al.	11-03-2005

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
	B1	CN	2291138		N/A	09-16-1998	
	B2	KR	20-0226271		Yoon, Sung-Do	06-15-2001	Translation
	B3	KR	20-0314976		Kim, Dae-Su	06-02-2003	Translation
	B4	KR	30-0336877		Kim, Dae-Su	11-05-2003	Translation

OTHER MATERIALS					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T <sup>7</sup>
	C1	Chicago Tribune article entitled "Winter From Head to Toe Lend an Ear to the Tale of This Intrepid Inventor," by Sid Moody, February 16, 1988, 4 pgs.			
	C2	"History of the United States Patent Office – The Patent Office Pony – A History of the Early Patent Office", by Kenneth W. Dobyns, 1994, [Introductory Material – 3 pgs.; Chapter 29 – 4 pgs.; and Sources and Annotations – 40 pgs.].			
	C3	Design Patent Application No. 29/201,175 entitled "Ear Warmer Having an External Frame", filed on March 12, 2004.			
	C4	Design Patent Application No. 29/201,219 entitled "Ear Warmer Having an External Frame", filed on March 12, 2004.			

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

260241 v1/RE

<sup>1</sup> Unique citation designation number.

<sup>2</sup> See attached Kinds of U.S. Patent Documents.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

<sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.

<sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.